REMARKS

Claims 12, 13, 15-19, 21 and 22 were pending in the application with claims 19 and 22 rejected for the reasons discussed below; claims 16-18 and 21 withdrawn; and claims 12, 13 and 15 were allowed.

The Examiner rejected claims 19 and 22 as being anticipated by *Lubbers et al. (U.S. Patent No. 6,007,160)*. It is submitted that the claims are patentable over the cited references for at least the following reasons.

Independent claim 19 is drawn to a device for actuating a vehicle brake system including a control unit for reducing a damping effect or a counterforce on a brake pedal when a brake assist function is activated and a sensor for detecting brake pedal actuation. The controller is coupled to the sensor to determine the vehicle deceleration to be effected by the brake system and to change a brake force acting in the brake system depending upon movement of the brake pedal. The brake force acting in the system corresponds to a ratio between one of an actuating travel, actuating speed and the acceleration of actuation of the brake pedal and the deceleration to be effected by the brake system.

It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 19. For example, *Lubbers et al.* fails to disclose or suggest a device for actuating a vehicle brake system including all of the aforementioned elements.

Lubbers et al. disclose a device for actuating a brake system including a control unit (36) and a sensor (32) for detecting brake pedal actuation. The signal (102) supplied from the sensor is applied to a proportional gain function to generate a given boost function (col. 6, lines 15-29) and the signal (102) is applied to a derivative control function to supply a damping component to the control unit (36) to stabilize the forces acting on the brake pedal (18) (col. 6, lines 48-65). The derivative gain function (108) is based upon the speed of

movement of the brake pedal (col. 6, line 66 to col. 7, line 12). However, *Lubbers et al.* is silent regarding the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and the deceleration to be effected by the brake system.

Therefore, *Lubbers et al.* fails to teach or suggest the actuator unit of claim 12. For example, *Lubbers et al.* does not teach or suggest that the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and the deceleration to be effected by the brake system. Furthermore, the Examiner does not provide any evidence that *Lubbers et al.* teaches, discloses or suggests this feature. In fact, the Examiner refers to *Lubbers et al.* only as controlling pedal feel and utilizing a brake position sensor to control braking, which in turns controls deceleration. Applicant respectfully submits that should the Examiner feel that *Lubbers et al.* still anticipates the present claim, that the Examiner should indicate where *Lubbers et al.* discloses all of the claimed subject matter.

Independent claim 22 is drawn to a method for actuating a vehicle brake system. The method includes reducing a damping effect or a counterforce on a brake pedal when the brake assist function is activated, determining the vehicle deceleration based upon brake pedal movement and changing a brake force acting in the system depending upon movement of the brake pedal. The brake force acting in the system corresponds to a ratio between one of an actuating travel, actuating speed and the acceleration of actuation of the brake pedal and the deceleration to be effected by the brake system.

It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 22. For example, *Lubbers et al.* fails to disclose or suggest a method for actuating a vehicle brake system including all of the aforementioned steps.

As noted above with respect to claim 19, *Lubbers et al.* does not teach or suggest that the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and the deceleration to be effected by the brake system.

The Applicant respectfully submits that claim 19 and 22 are patentable over the cited references.

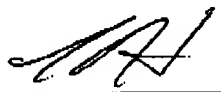
CONCLUSION

For the foregoing reasons, Applicant respectfully submits that claims 12, 13, 15, 19 and22 are in condition for allowance. Accordingly, early allowance of claims 12, 13, 15, 19 and22 is earnestly submitted.

If the Examiner believes that a conference would be of value in expediting the prosecution of the Application, the Examiner is hereby invited to contact the undersigned agent to set up such conference.

Applicants believe no additional fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2570, under Order No. AP9265 from which the undersigned is authorized to draw.

Respectfully submitted,



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